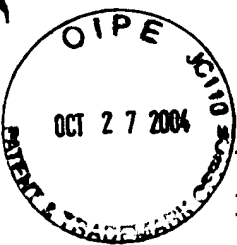


1Fw



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Matter of the Application of: D. Fleming et al.

For: Electrical Contact and Connector

Serial No.: 10/601,722

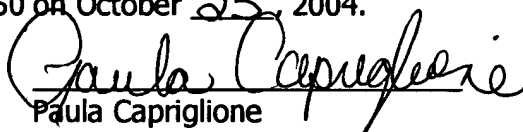
Filed: June 23, 2003

Examiner: J. Nasri

Group Art Unit: 2839

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to the Commissioner for Patents, Alexandria, VA 22313-1450 on October 25, 2004.

  
Paula Capriglione

**REPLY TO ELECTION REQUIREMENT**

Sir:

This reply is in response to the first Office Action mailed October 5, 2004 for the above identified application. This reply is being filed within the one month shortened statutory period for response set in the Office Action.

Charge any fee associated with this reply and credit any overcharge to Deposit Account No. 23-1950.

The Office has required Applicants to elect a single species of the claimed invention for examination, identified as follows:

Species I Claims related to single retention finger (independent claims 1 and dependent claims); and

Species II Claims related to a pair of retention fingers (independent claim 11 and dependent claims).

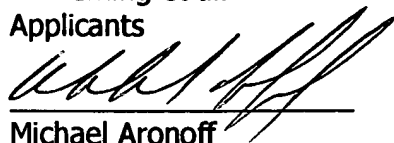
First, in the present Office Action, the Examiner has required Applicant elect a single disclosed species under "35 U.S.C. 121." There appears to be some mistake as 35 U.S.C. 121 is directed to the subject of divisional applications as it relates to restriction requirements. This section of the code has no bearing on election requirements. Applicant will assume that the Examiner intended to require an election of species under 37 C.F.R. §1.146. Working under this assumption, Applicant notes that the species (as defined by the Examiner) are not in fact species but simply alternate embodiments of the same invention. Furthermore, the species (as defined by the Examiner) are simply broader (or narrower) recitations of the present invention. Specifically, a device with a pair of retention fingers is simply a narrower (and subsumed within, all other things being equal) device of a device having a single retention finger.

Solely to be in compliance with the rules, Applicant elects to prosecute the invention of Species I, claims 1 - 10 in the present application. The election is made with traverse in that the Examiner has inappropriately presented an election requirement. The Examiner has not specifically noted two distinct species with reference to specific embodiments illustrated in the Figures. However, Applicants expressly reserve the right to have claims 11 - 20 reinstated when allowable subject matter is indicated in claims 1 - 10.

Respectfully submitted,

D. Fleming et al.  
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